

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq. (410-260-1523)
RE: Senate Bill 173
Family Law – Minors – Emancipation of a Minor and
Authorization to Marry
DATE: January 13, 2021
(1/26)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 173. This bill would establish a process for a petition for the emancipation of a minor and authorization to marry.

First, the bill provides that a court shall appoint a lawyer to serve as a best interest attorney for the petitioner but does not identify any funding source for the representation.

In addition, this bill adds a court process to determine whether the marriage can occur. A trial to establish whether a minor can get married, and exploring their intentions makes a difficult premise untenable. This process could easily lead to warring parents taking opposite views, resulting in protracted litigation over whether the child can marry.

Further, it is not clear what standard of proof is required in this bill. Current law states clearly the requirements for marriage of a person under 18 years old.

cc. Hon. Sarah Elfreth
Judicial Council
Legislative Committee
Kelley O'Connor